

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19110 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- PANDAUL District- Madhubani

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1. Upendra Kumar Sahu S/O- Charitra Sahu, R/O- Village- Suraha, P.S.- Babubarhi, Dist.- Madhubani.
 2. Ramashankar Yadav S/O- Chndeshwar Yadav, R/O- Village- Fokchaha, Sundar Birajit, P.S.- Madhepur, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Mining Inspector, Madhubani, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Bhavesh Kumar Sah, the learned counsel for the petitioners, the learned counsel appearing on behalf of the Mining Department and Ms. Pushpa Sinha, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pandaul PS Case No. 208 of 2023, FIR dated 10.10.2023, registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and under Section 56(2) of the Bihar Minerals (CPIT&S) Rule 2019 and also under Section 15 of the EP Act, 1986.

3. According to prosecution case, the informant seized one Hyva vehicle containing 750 CFT of sand near



tedhki puliya under pandaul police station, which was illegally being transported.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that petitioner no. 1 is the owner and petitioner no. 2 is the driver of the vehicle in question. Learned counsel for the petitioners outrightly submits that the petitioners are ready to deposit the fine amount which is equivalent to 750 CFT of sand before the Mines Department. He further submits that according to the FIR, the vehicle of the petitioners contained 750 CFT of sand and petitioners are ready to pay the loss of Government revenue in accordance with rule.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and they are ready to pay the fine amount pertaining to 750 CFT of sand, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory



bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani, where the case is pending in connection with **Pandaul PS Case No. 208 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

(iv) Petitioners shall furnish a challan which has to be deposited before the Mines Department with respect to fine pertaining to 750 CFT of sand and the learned trial Court shall verify the same before furnishing the bail bond of the petitioners.

(Rajesh Kumar Verma, J)

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